

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Arbitration - Suits – Settlement of Arbitration Award in respect of the work “Excavation of Surplus course for the spill way to a level of + 78 Metres in Gap No.III of Yeleru Reservoir Project covered by Agreement CR No.6/ YR/ 81-82 of YRPC Circle, Kakinada dated 28-11-1991 with Sri A. Suman Kumar, GPA for M/s.Prasad Constructions and Co., Hyderabad for an amount of Rs.32,00,000/- as full and final settlement – Orders - Issued.

I & C.A.D. (ARB.) DEPARTMENT.

G.O.(Ms.) No. 207

Dated:22-06- 2009.

Read the following:-

1. Representation from Sri A. Suman Kumar, GPA for M/s. Prasad Constructions and Co., Hyd., dt.12-6-08.
2. From the ENC (I), Lr.No.ENC(I)/DCE(GDS)/OT.2/ AE/F.13/ 12417/91, dated 29-7-2008.
3. Govt.Memo.No.23178/ARB/08, dated 19-09-2008.
4. From the ENC (I), Lr.No.ENC(I)/DCE(GDS)/OT.2/ AF.13/ 12417/1991, dated 11-11-2008 and dated . 03-12-2008.

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ORDER:

Sri . A. Suman Kumar, GPA for M/s. Prasad Constructions and Co., Hyderabad, in the reference first read above, has stated that the Hon'ble High Court while disposing of the CRP No.3793/98, dated 13-07-2007, has directed the respondents to approach by filing to appropriate comprehensive representation before the Principal Secretary to Government, I&CAD Department and on filing which the Prl. Secretary to Government, I & CAD Department, shall hear both sides after giving notice and opportunity and make an effort to conciliate and settle the claims. He has also stated that the disputes have arisen between the Govt. and him in respect of the aforesaid contract were referred to the Hon'ble Arbitrator Sri C. Parandhama Reddy, Chief Engineer, National Highways, Government of Andhra Pradesh for the purpose of adjudication of disputes. The learned Arbitrator upon enquiring into the matter thoroughly was pleased to pass the impugned reasoned award on 21-04-1993 by granting / rejecting certain claims. Thereupon the said award was challenged by the Government by filing O.P. No.435/1993 in the Hon'ble IVth Senior Civil Judge, City Civil Court, Hyderabad. While so, he had filed O.S.No.991/1993 to make the award Rule of Court and O.P.No.284/1994 praying for setting aside the award so far held against him in the same court and accordingly the Hon'ble Court by its common judgment and decrees dated 01-05-1998, was pleased to make the award Rule of Court and dismissed the O.P. filed by Government, as well as filed by him. Aggrieved by the common judgment and decree of the Hon'ble court, the Government have preferred the impugned CRP and CMA to the Hon'ble High Court and wherein the Hon'ble Court was pleased to pass orders directing him to make representation to the Principal Secretary to Government for settlement of the issue. Accordingly, Sri A. Suman Kumar, GPA for M/s. Prasad Constructions & Co has requested the Government to consider their case and settle the same as directed by Hon'ble High Court.

2. In the Govt. Memo. third read above, based on the representation of the petitioner and as per the report of the Engineer-in-Chief (Irrigation), I & CAD Department, Hyderabad and also in compliance to the directions of the Hon'ble High Court of A.P., Hyderabad, the case has been referred to the Conciliation Committee constituted for Andhra Region for negotiation with the contractor.

P.T.O.

3. The Engineer-in-Chief (Irrigation), I & CAD Department., Hyderabad in the letter fourth read above has furnished the report of the Conciliation Committee held on 20-10-2008, wherein, after negotiation with the contractor, the Committee has recommended for an amount of Rs.33,36,727/- as full and final settlement of the work.

4. In compliance to the directions of the Hon'ble High Court of Andhra Pradesh, Hyderabad, the Principal Secretary to Government, I & CAD (ARB) Dept., has finally conducted conciliation with the G.P.A. Holder of the Contractor on 02-12-2008 and the G.P.A. Holder has agreed for a sum of Rs.32,00,000/- as full and final settlement and accordingly, an affidavit was also furnished by the letter duly declaring that he will withdraw all the legal proceedings in respect of the subject work pending in the courts against Govt. through the Engineer-in-Chief (Irrigation), I & CAD Department, Hyderabad.

5. After careful examination of the matter, Government hereby sanction an amount of Rs.32,00,000/- (Rupees thirty two lakhs only) towards full and final settlement payable to Sri A. Suman Kumar, GPA for M/s. Prasad Constructions and Co., Hyderabad, in respect of the work Excavation of Surplus course for the spill way to a level of +78 Meters in Gap No.III of Yeleru Reservoir Project covered by Agreement CR No.6/YR/81-82 of YRPC Circle, Kakinada dated 28-11-1991.

6. The above sanctioned amount shall be debited to the following Head of Account:

**"4701- COL on M&M.I (01) Major Irrigation (Commercial) –
MH 116 YRS – SH(26) – D&A – 530 Major Works – 531 Other
Expenditure (Charged)"**

7. The Engineer-in-Chief, Irrigation, I & CAD Department, G.D.S. Unit, Hyderabad, is directed to arrange to pay the amount sanctioned at para (5) above, to Sri A. Suman Kumar, GPA for M/s.Prasad Constructions and Co., Hyderabad, duly deducting the amounts that are recoverable on whatsoever account.

8. This order issues with the concurrence of Finance (W &P) Department, vide their U.O.No.890/F7(1)/09-1, dated 16-03-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRL.SECRETARY TO GOVERNMENT

To

The Engineer-in-Chief, Irrigation, I & CAD Department, G.D.S. Unit, Hyderabad.

The Pay & Accounts Officer, Hyderabad.

The Deputy Pay & Accounts Officer, Secretariat Branch, Hyderabad.

The Director, Works & Accounts, Hyderabad.

The Joint Director, YRPC Circle, Kakinada.

Sri A. Suman Kumar, GPA for M/s.Prasad Constructions, & Co., H.No.2-2-647/58,
Central Excise Colony, Bagh Amberpet, Hyderabad – 500 013,

Copy to:

The Superintending Engineer, I & CAD Department, Y.R.P.C. Circle, Kakinada.

I & CAD (P&B) Department.

Finance (W&P) Dept. (with a request to release LOC for the sanctioned amount).

The Accountant-General, Andhra Pradesh, Hyderabad.

The Advocate-General, High Court of A.P., High Court Buildings, Hyderabad.

The Government Pleader for Irrigation, High Court Buildings, Hyderabad.

S.C. S.F.

//Forwarded::Byorder//

SECTION OFFICER